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## REVIEWS OF BOOKS

*The Origin and Growth of the English Constitution.* An Historical Treatise in which is drawn out, by the Light of the most recent Researches, the gradual Development of the English Constitutional System, and the Growth out of that System of the Federal Republic of the United States. By HANNIS TAYLOR, LL.D., late Minister Plenipotentiary of the United States to Spain. In two parts. Part II. The After-growth of the Constitution. (Boston and New York: Houghton, Mifflin and Co. 1898. Pp. xlv, 645.)

THIS is an imposing work published in excellent fashion, printed with clear type on good paper, with wide margins, having a marginal analysis and copious foot-notes, an analytical table of contents filling forty-two pages and an index of forty-nine pages for both volumes. A few typographical errors are noticed: on p. 156, 1551 for 1552; p. 178, estate for state; p. 191, toun for tourn; p. 449, n. 4, masked for unasked.

After a brief review of the preceding period, this volume takes up the subject at the accession of Henry VIII. and carries it down to the formation of Lord Salisbury's cabinet in 1897. The style is good, many points are admirably stated, and the summaries are well done, as, for example, that of the gradual growth of ministerial responsibility; but the book, in many respects, is disappointing.

In the first place there is no bibliography, an inexcusable lack in a modern work on history, and, although the references in the foot-notes are very numerous, there is no explanation of abbreviations nor any indication of the editions used. Also, in the sources from which the material is taken, both volumes are disappointing. In the first volume the author relies more on Freeman than on Stubbs, though he calls the latter, very rightly, "the master of the constitutional history of the Middle Ages," while the statements of Freeman are being discredited more and more by the later and more critical work of Round and Maitland, to say nothing of Ashley and Seebohm. Even where Stubbs is used, the most scholarly characteristics of his work, his scientific reserve, careful qualifications and conservative judgments, are so entirely obliterated that the impress of truth and accuracy of the original vanishes from the copy. In the second volume, also, we fail to find those references to "the latest researches—English, German, French, and American," which we were promised in the preface to the first volume as well as on the title-page. There are many references to the original sources, more than in the first

volume, but we discover no reference to Prothero's or Gardiner's valuable collections of select documents with their learned prefaces, on the later Tudor and the Stuart periods. References to Gneist are made only to his two works which have been translated into English, while for many parts of this volume his untranslated work is the most valuable. Nor is any reference made to French writers. Although a great deal of attention is given to the Church, no reference is made to Child's *Church and State under the Tudors*, to Perry's *English Church History*, or to that ablest contribution which has yet appeared on this subject, Makower's *Constitutional History of the Church of England*.

In general the author refers to the narrative more than to the constitutional historians. Burnet, Macaulay, Gardiner, Green and even Froude and Knight are quoted more than Hallam and May, while the admirable little book by Feilden, a model of conciseness and general accuracy, is not mentioned. The authors who are cited, however, are used very freely and long quotations from books easily accessible succeed each other at frequent intervals.

The work does not really carry out the purpose indicated on the title-page and in the preface to the first volume. Except in the general introduction, where "an effort is made to emphasize the fact that the constitutional histories of England and of the United States constitute a continuous and natural evolution which can only be fully mastered when viewed as one unbroken story," there are only four or five brief allusions to American history, and one of these is misleading. The author on page 342 alludes to the Agreement of the People, 1647, as the "prototype of all constitutions, State and Federal, as they exist to-day in the United States," a distinction probably due rather to the Fundamental Orders of Connecticut of 1639.

The volume is lacking also in that larger view of historical relations which is necessary for the full understanding and adequate presentation of English constitutional history, especially in its later development. In general, foreign relations are hardly noticed; no reference is made even to the American or to the French Revolution in their effect on the English constitution.

The author falls into the quite common error of attributing to Cranmer the idea of submitting the divorce question to the canonists and universities throughout Christendom, in order to influence the Pope or a General Council. Whether this was proposed by Cranmer in 1529, or by an assembly of bishops in 1527, is not as significant as the fact that Cranmer's advice was to get their opinions and then to act upon them by holding a court in England.

In following Froude too closely, also, Dr. Taylor is led into serious chronological and other errors. Thus he places the complaint of the commons against the clergy in the first session of Parliament in 1529, instead of in that of 1532. He also wrongly fixes the date of Anne Boleyn's marriage on the 25th of January, according to Lingard and Froude, instead of on the 14th of November, 1532, where probably it

belongs, and he dates the origination of the divorce idea in 1527, when it really appears in 1526 or perhaps as early as 1525. The whole reform movement under Henry VIII. could be treated more clearly and adequately if some reference were made to foreign affairs and international relations, especially in the decade 1522 to 1532.

In the consideration of Elizabeth's reign nearly two-fifths of the chapter are devoted to ecclesiastical affairs, yet without bringing out their real constitutional importance and larger significance. Also in discussing the subject of poor relief and the important acts of Elizabeth's reign on this subject, the author falls into the common error of imputing to the dissolution of the monasteries, under Henry VIII., the great increase of the poor on account of the failure of this source of relief, a mistake made on pp. 97 and 98, and repeated on p. 188. As a matter of fact the first act of Henry VIII. on poor relief antedated the dissolution of the monasteries, at least of the larger ones, by two or three years, while the increase of the poor was due rather to the agrarian changes and the great agricultural distress and idleness. In reality, the almsgiving of the monasteries tended rather to foster the growth of a class of professional beggars, and as Fuller says: "the Abbeyes did but maintain the poor which they made."

In this same chapter the author repeats the immoderate emphasis which, in the first volume, he laid on the *tungemot*, an institution having at best only a vague and mythical existence, an error which might have been corrected by a more careful study of Gneist and Maitland, and even Stubbs. There is much confusion between *tungemot*, manor, court leet, parish and tithing, which the author acknowledges on pp. 184 and 185, only to leave in a worse tangle of chronological and theoretical misstatements.

The personal element rarely appears in the work, a fact which makes the following sentence, p. 294, all the more unfortunate, showing an unhistorical prejudice hardly in accordance with fact. "In 1634 Prynne, a bigoted Puritan lawyer, had been punished by the Star Chamber for publishing a ponderous and stupid book called *Histriomastix*, in which he denounced with the virulence of that time all innocent human recreations in general and female actors in particular." As a matter of fact the work is directed mainly, if not altogether, against the stage and drama, the corruption of which in the seventeenth century is well known. It is full of learning and research, though undoubtedly it did appear stupid to Charles I. and his court. But the cruel severity of his punishments, which even an English churchman has characterized as "fearful sentences," ought to elicit some sympathy in the breast of an American of the nineteenth century.

The work is unduly drawn out by frequent repetitions, usually in almost the same words. In the consideration of Edward VI. we have nearly ten pages on Edward's accession and regency, six of which are practically a repetition of the precedents of succession and regency in preceding periods already fully described in earlier parts of the

work and having little or no bearing on Edward's case. The reign of Mary, of little direct importance in the development of the constitution, receives eighteen pages, of which less than one is given to a consideration of the constitutional points involved in the Spanish marriage, while on the punishment of heretics the author refers to seven pages in the earlier part and repeats four pages of it. Indeed, as must have appeared already, there is much disproportionate treatment which, together with the repetitions, keeps out important matters. To give one more illustration. A very clear and full exposition of the law of libel is given, from the case of Wilkes down to the present time, but it occupies one-third of the whole space given to the long reign of George III., while at the close of the chapter on George III. and George IV. the author gives less space to the struggle between the crown and the ministry, and the reform of parliamentary representation.

There is too little organic connection between the various parts, most noticeably in the nineteenth century, where we seem to have a dictionary of detail rather than a philosophical presentation of modern conditions. Causes are almost completely ignored, and even the processes by which these conditions are reached are not worked out. No record appears of the agitation by the Radicals in the early part of this century, nor of the effect of economic distress. The various reform bills are noted, but, with the exception of that of 1832, no indication is given of the effect of each on the constitution. The great democratization of 1894 is not brought as the climax of a long development nor given the prominence which belongs to it; indeed a false or confused impression is given when on p. 583, treating of local government, a quotation from Rathbone, "a special student has lately expressed it," is given as true for 1897, when in reality Rathbone wrote in 1885 and the evils he criticised were considerably corrected by the later acts of 1888 and 1894.

CHARLES L. WELLS.

*Histoire Générale du IV<sup>e</sup> Siècle à nos Jours.* Ouvrage publié sous la direction de MM. E. LAVISSE et A. RAMBAUD. Tome IX., Napoléon, 1800-1815. (Paris: Armand Colin et Cie. 1898. Pp. 1011.)

THE ninth volume of this great encyclopedia is in all respects the peer of its predecessors. Our readers know of course that it is a collection of admirable monographs by specialists in the military, literary and diplomatic history of each and all the civilized and semi-civilized lands of the earth. Its unity consists in the epoch treated and in the stitching of the sheets into one great brochure. These monographs differ from each other in style and scientific value. For the most part they realize Droysen's ideal of a history which should be scientific as the natural sciences are and therefore caviare to the profane. The collaborators are twenty-one in number and among them are men like Aulard, Faguet, H. Houssaye, Moireau, Rambaud and Vandal, than whom there are no more